

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1 and 12 were initially rejected under 35 USC §102(b) as being anticipated by the Dastoli patent. The remaining “system” claims, *i.e.*, Claims 2-11, 13, and 14 have initially been rejected as being obvious in view of Dastoli and other secondary references. Independent “method” Claim 15 has been rejected as being obvious over a patent to Malatesta, in view of Dastoli. Dependent Claims 16-18, 24, 27, 29 and 33-37 have been rejected on the same grounds. Dependent Claims 19-23, 25, 26, 28 and 30-32 have been rejected as being obvious in view of Malatesta, Dastoli, and other secondary references.

Applicant believes that the changes made in independent Claims 1 and 15 herein address and obviate all of these grounds for rejection, and Applicant believes that the claims are allowable over the cited references. Specifically, Claims 1 and 15 have been amended to set forth that the system and method include a work surface, and that the flow of air travels through or is suctioned through this work surface. In so doing, any contaminants present on a piece of mail being handled on the work surface will be removed from the piece and pulled downwardly away from any worker or workers that are present near the work surface or are otherwise present in the sealed area.

These newly added claim limitations are supported in the specification and drawings principally in the illustrations in FIGS. 1 and 3, in which airflow is shown traveling through work surfaces 2 (FIG. 1, see arrows) and 76 (FIG. 3, see arrows). As such, the amendments do not introduce new matter into the application.

The changes made also clearly render the claims allowable over the cited Dastoli patent (Claim 1) and the Malatesta/Dastoli combination (Claim 15). Neither

of these references discloses a system or method in which an airflow is pulled through a work surface to ensure that contaminants on items disposed on or just above the work surface will be contained and transported away from a worker that is present in the sealed area and working at the work surface. A much safer environment for workers handling potentially contaminated mail pieces is provided.

Claim 1 was initially rejected as being anticipated by the Dastoli patent. However, as noted above, the Dastoli patent does not disclose or suggest a system in which an air flow is suctioned through a work surface within a sealed area. Dastoli discloses a system in which a flow of air is drawn across the exterior of a part being manufactured or produced, and to an exhaust. However, Dastoli is principally directed to ensuring that the produced parts remain free of contamination, by having clean, filtered air drawn across the product, and therefore the patent fails to realize the importance of stripping and containing contaminants already present on a piece of mail, and of not allowing the contaminants to become airborne in the sealed area, such that a worker who is actually handling or will handle that piece of mail is not exposed to airborne contaminants. In the present invention, the air flow is suctioned downwardly through a work surface, and the contaminants are then filtered out of the air flow stream.

As such, Dastoli does not anticipate amended Claim 1, nor can it be legitimately asserted that Dastoli renders obvious the claimed system arrangement. Reconsideration and withdrawal of the rejection of Claim 1, and of Claim 12, which depends from Claim 1, under 35 USC §102(b), is respectfully requested.

Claims 2-11, 13 and 14 have initially been rejected under 35 USC §103(a), as being obvious in view of Dastoli, in combination with Long et al. (Claims 2-6), Renz (Claims 7-9), Chornenky et al. (Claim 10), Hofstra et al. (Claim 11), and Kinkead et

al. (Claims 13, 14). None of these secondary references discloses or suggests a system in which an air flow in a sealed area is suctioned downwardly through a work surface in that sealed area. To the extent that these patents are directed to sealed room environments, these patents, like Dastoli, appear to be principally concerned with keeping a product being produced free of contaminants, and not directed to a system designed to ensure that workers within the sealed area will not be exposed to contaminants that might be present on pieces of mail being handled on a work surface.

As such, none of these references discloses or suggests the invention as presently set forth in Claims 2-11, 13, and 14, which all depend from Claim 1. Reconsideration and withdrawal of the rejection of these claims under 35 USC §103(a) is therefore respectfully requested.

Claims 15-18, 24, 27, 29 and 33-37 have initially been rejected under 35 USC §103(a) as being obvious in view of a combination of the teachings of Malatesta and Dastoli. In addition to the fact that the combination of these two references fails to render obvious the invention as now set forth in Claim 15, the combination of these two references is, at the outset, improper.

Addressing this latter point first, the asserted motivation for combining these references is for, “provid[ing] a safe and dust free environment for the postal workers to work in”. Applicant respectfully submits that this motivation is not present in either the Malatesta reference or the Dastoli reference, and does not appear to be present elsewhere in the prior art.

The Malatesta patent is directed to a feeder system for an automated mail sorter, the feeder system itself being fully automated. The system does not contemplate having workers present at the equipment during normal operation. Thus,

there is no need to enclose the feeder in a sealed area, to provide “a safe and dust free environments for the postal workers”. There are not, simply stated, any postal workers contemplated to be working at the Malatesta equipment.

The Dastoli patent, as discussed above, is not concerned with a system for providing a “safe and dust free environment” for workers. It is directed to a system that uses air flow to prevent exposed surfaces of products, as they are being produced, from being contaminated. In contrast, pieces of mail handled by the Malatesta system will have been exposed to many conditions prior to being processed on the Malatesta equipment and the claimed method is intended to strip and contain these contaminants in a specific manner to that they do not become airborne and expose postal workers working in the sealed area to these contaminants. There is no teaching or suggestion in Dastoli or Malatesta that any particular advantage would be obtained by enclosing the automated equipment of Malatesta in a sealed area, and drawing air across the pieces of mail, such that it could be said that the combination would have been obvious.

What the two cited references lack in the way of motivation for combining the references is not made up for, in Applicant’s view, by any other extant prior art. The motivation for making the combination, if any exists at all (given the fact that workers are not present at the operation performed by the Malatesta equipment), comes only from the present specification. This amounts to the use of improper hindsight reconstruction in formulating an attempted prima facie case of obviousness.

Beyond that, even if it were proper to combine these references, the combination does not render obvious the method as presently set forth in Claim 15. Neither the Malatesta nor the Dastoli patent discloses or suggests a method in which a downward flow of air is produced within a sealed area, with the downward flow

traveling through a work surface onto which one or more items of mail are disposed, to contain and move contaminants found on the piece or pieces of mail such that they do not become airborne in the area above the work surface where a worker handling the mail is present. Since the Dastoli patent, as has been noted several times, is concerned with maintaining products being produced in an uncontaminated state, and since workers are not present in the operation of the Malatesta equipment, the combined operation would not be taking into account creating an airflow pattern that removes existing contaminants from a piece of mail in a manner that protects a worker who may handle that piece of mail, and who will be stationed at and above the claimed work surface.

Amended Claim 15 is thus believed to be clearly patentable over the Malatesta and Dastoli patents. Because Claims 16-18, 24, 27, 29 and 33-37 depend from Claim 15, these claims are further believed to be allowable over the Malatesta and Dastoli patents. Reconsideration and withdrawal of the rejection of Claims 15-18, 24, 27, 29 and 33-37, under 35 USC §103(a) is respectfully requested.

Claims 19-23 have been rejected under 35 USC §103(a) as being obvious in view of a combination of Malatesta, Dastoli, and Long et al. For the same reasons as are noted above, these claims are believed to be allowable. The Long et al. patent does nothing to overcome the basic deficiencies of the Malatesta and Dastoli references in failing to render obvious the present claims. Reconsideration and withdrawal of the rejection of Claims 19-23 under 35 USC §103(a) is therefore merited, and is respectfully requested.

The remaining method claims (Claims 25, 26, 28 and 30-32) have been rejected as being obvious in view of Malatesta, Dastoli, and further secondary references that were also cited in rejecting the apparatus claims. These claims all

depend from Claim 15, which, as noted above, is believed to be patentable over the Malatesta and Dastoli patents. The additional cited patents do nothing to overcome the basic deficiencies in the teachings of Malatesta and Dastoli, as concerns the present invention. Further, these claims set forth additional limitations which further patentably distinguish the invention over the cited references. Accordingly, these claims are believed to be allowable. Reconsideration and withdrawal of the rejections of Claims 25, 26, 27 and 30-32 under 35 USC §103(a) is warranted.

In view of the foregoing, Applicant believes that all of Claims 1-37 as currently presented are allowable over the cited prior art, and are, in all other respects, in condition for allowance. Reconsideration and withdrawal of all rejections, and passage of the application to issue at an early date, are earnestly solicited.

Respectfully,

MILES & STOCKBRIDGE P.C.

By: 
John C. Kerins
Reg. No. 32,421

1751 Pinnacle Drive, Suite 500
McLean, Virginia 22102-38331
Telephone: (703) 610-8649
#9178538v1

Version With Markings to Show Changes Made

1 1. (amended) An air decontamination system, comprising
2 a sealed [room] area having an air inlet;
3 a vacuum unit which creates a negative pressure within said [room]
4 area, by suctioning air through the air inlet into said [room] area and then from said
5 [room] area into an inlet of said vacuum unit; [and]
6 a work surface disposed in said sealed area , said air being suctioned
7 downwardly through said work surface; and
8 a filter unit which filters air [entering the inlet of said vacuum unit] as
9 said air is drawn out of the area.

1 15. (amended) A method for removing [contaminates] contaminants from air in a
2 sealed mail [sorting room] processing area, comprising:
3 [placing] introducing an item of mail onto a work surface in the mail
4 [sorting room] processing area;
5 creating a downward flow of air within said [room] area, said
6 downward flow of air transporting [contaminates] contaminants from said item of
7 mail into an inlet of a vacuum unit which created said downward flow of air; [and]
8 said downward flow of air traveling through said work surface
9 disposed in said area; and
10 filtering the air [entering into the inlet] after said vacuum unit has
11 caused the downward flow of air to pass through said work surface to remove said
12 [contaminates] contaminants.